



DEP LREF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT & TRADEMARK OFFICE

2005 AUG 16 PM 4:22

US PATENT & TRADEMARK OFFICE

Appl. No. : 09/424,210
Applicant : Jon TSCHUDI
Filed : November 22, 1999
TC/A.U. : 2623
Examiner : Colin M. Larose

Docket No. : 2800-107
Customer No. : 6449
Confirmation No. : 7676

REQUEST FOR REFUND

MS - AF

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

(1) On January 15, 2004, the Examiner mailed his Answer in response to Applicant's Appeal Brief filed on October 22, 2003.

(2) On March 15, 2004, Applicant filed his reply to the Examiner's Answer along with a Request For Oral Hearing, and the requisite fee for an Oral Hearing. A copy of the fee transmittal and the check stub for the oral hearing fee are attached.

(3) On February 1, 2005, the Board issued its Order Returning Undocketed Appeal to the Examiner citing deficiencies in the Examiner's Answer and ordering that the Examiner submit a Supplemental Examiner's Answer.

(4) On March 22, 2005, the Examiner mailed his Supplemental Examiner's Answer.

(5) On May 20, 2005, applicant replied to the Supplemental Examiner's Answer. Because the Supplemental Examiner's Answer was substantively the same as the original Examiner's Answer, applicants' reply merely referred the Board to the Reply filed on March 15, 2004 in response to the original Answer. Furthermore, applicant confirmed his Request For Oral Hearing for which he had already paid the fee on March 15, 2004.

(6) It has now come to applicant's attention that the deposit account of applicant's attorney was charged \$1,000 for the Oral Hearing Fee. Applicant believes the charge was improper as applicant had already made a timely request and payment for the oral hearing on

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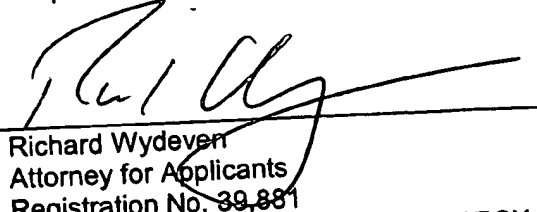
Appln No. 09/424,210
Request for Refund dated August 15, 2005

March 15, 2004. The Communication mailed on May 20, 2005 was merely a reply to a Supplemental Examiner's Answer and a confirmation of the Request For Oral Hearing that had already been made and paid for on March 15, 2004.

Accordingly, applicant respectfully requests that a refund be made to Deposit Account 02-2135 in the amount of \$1,000.00.

Respectfully submitted,

By


Richard Wydeven
Attorney for Applicants
Registration No. 39,881
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040

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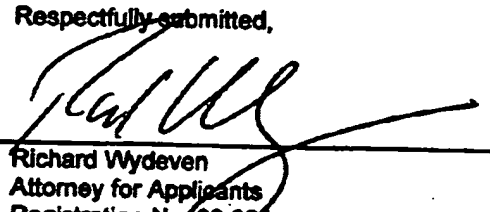
REPLY TO SUPPLEMENTAL EXAMINER'S ANSWER AND
CONFIRMATION OF REQUEST FOR ORAL HEARING

MS - AF
Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

As a reply to the Supplemental Examiner's Answer mailed March 22, 2005, applicant refers the Board of Appeals to the Reply filed March 15, 2004 in response to the original Examiner's Answer mailed January 15, 2004. Applicant further confirms the Request for Oral Hearing, originally filed, along with the requisite fee therefor, on March 15, 2004.

Respectfully submitted,

By


Richard Wydeven
Attorney for Applicants
Registration No. 39,881
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040

Date: May 20, 2005.

AF
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Fee Charge
BP 924/05

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**FEE TRANSMITTAL
for FY 2003
(Large Entity)**



Complete if Known

| | |
|------------------------|-------------------|
| Application Number | 09/424,210 |
| Filing Date | November 22, 1999 |
| First Named Inventor | J. TSCHUDI |
| Group Art Unit | 2623 |
| Examiner Name | Colin M. Larose |
| Attorney Docket Number | 2800-107 |
| Customer No. | 6449 |

Total Amount of Payment (\$290.00)

Confirmation No. 7676

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status
2. ☒ Payment Enclosed
- ☒ Check
- ☐ Credit Card

FEE CALCULATION

1. FILING FEE

| Fee Code | Fee \$ | Fee Description | Fee Paid |
|----------|--------|------------------------|----------|
| 1001 | 770 | Utility filing fee | [] |
| 1002 | 340 | Design Filing Fee | [] |
| 1003 | 530 | Plant Filing Fee | [] |
| 1004 | 770 | Reissue Filing Fee | [] |
| 1005 | 160 | Provisional Filing Fee | [] |

SUBTOTAL \$

2. CLAIMS

| | Extra Claims | Fee | Fee |
|---------------------------|------------------|--------------|-----|
| Paid | | | |
| Total Claims | [] - 20** = [] | x \$18 = [] | |
| Independent Claims | [] - 3** = [] | x 86 = [] | |
| Multiple Dependent Claims | + | 290 = [] | |

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Fee Code | Fee Paid | Fee Description | Fee Paid |
|---------------------|----------|--|----------|
| 1051 | 130 | Surcharge - late filing fee or oath | [] |
| 1052 | 50 | Surcharge - late provisional filing fee or cover sheet | [] |
| 1053 | 130 | Non-English specification | [] |
| 1812 | 2,520 | For filing a request for reexamination | [] |
| 1804 | 920 | Requesting publication of SIR prior to Examiner action | [] |
| 1804 | 1,840* | Requesting publication of SIR after Examiner action | [] |
| 1251 | 110 | Extension for reply within first month | [] |
| 1252 | 420 | Extension for reply within second month | [] |
| 1253 | 950 | Extension for reply within third month | [] |
| 1254 | 1,480 | Extension for reply within fourth month | [] |
| 1255 | 2,010 | Extension for reply within fifth month | [] |
| 1401 | 330 | Notice of Appeal | [] |
| 1402 | 330 | Filing a brief in support of an appeal | [] |
| 1403 | 290 | Request for Oral Hearing | [290.00] |
| 1451 | 1,510 | Petition to institute a public use proceeding | [] |
| 1452 | 110 | Petition to revive -unavoidable | [] |
| 1453 | 1,330 | Petition to revive - unintentional | [] |
| 1501 | 1,330 | Utility issue fee (or reissue) | [] |
| 1502 | 480 | Design issue fee | [] |
| 1503 | 640 | Plant issue fee | [] |
| 1460 | 130 | Petitions to the Commissioner | [] |
| 1807 | 50 | Processing fee under 37 CFR 1.17(q) | [] |
| 1806 | 180 | Submission of Information Disclosure Statement | [] |
| 8021 | 40 | Recording each patent assignment per property (times number of properties) | [] |
| 1809 | 770 | Filing a submission after final rejection (37 CFR 1.29(a)) | [] |
| 1810 | 770 | For each additional invention to be examined (37 CFR 1.129(b)) | [] |
| 1801 | 770 | Request for Continued Examination (RCE) | [] |
| 1802 | 900 | Request for expedited examination of a design application | [] |
| 1504 | 300 | Publication fee for early, voluntary, or normal publication | [] |
| 1505 | 300 | Publication fee for republication | [] |
| 1455 | 200 | Filing application for patent term adjustment | [] |
| 1456 | 400 | Request for reinstatement of term reduced | [] |
| Other fee (specify) | | | [] |

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$290.00

| | | | |
|----------------------|----------------------------------|--------------------------|---------|
| SUBMITTED BY | | Complete (if applicable) | |
| NAME AND REG. NUMBER | Richard Wydeven, Reg. No. 39,881 | | |
| SIGNATURE | DATE | DEP ACCT USER ID | 02-2135 |

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.

31689

| INVOICE | DATE | DESCRIPTION | NET |
|---------|------|-------------|-----|
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03/15/2004 2800-107 MF

31689

Request for Oral Hearing

290.00

Date 03/15/2004 COMMISSIONER OF PATENTS & TRADEMARKS

\$290.00

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